

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-cr-20369-1
Honorable Linda V. Parker

JOHN ROBERT DAVIS,

Defendant.

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**OPINION AND ORDER GRANTING DEFENDANT'S MOTION
TO EXTEND TIME TO APPEAL**

On April 14, 2025, this Court issued an opinion and order denying Defendant John Robert Davis' motion for compassionate release. (ECF No. 281.) The matter is now before the Court on Davis' May 28 motion for an extension of time to file an appeal. (ECF No. 285.) Davis filed a notice of appeal on the same date. (ECF No. 283.) In the motion, Davis indicates that the Court's decision was not delivered to him until May 6, and that he received it through regular mail call and not the prison's legal mail system. (*See id.*)

As applicable here, the Federal Rules of Appellate Procedure provide that a timely notice of appeal must be filed within fourteen (14) days after the judgment or order being appealed is entered. Fed. R. App. P. 4(b)(1)(A). Rule 4(b)(4) applies to a motion for extension of time and provides:

Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

Fed. R. App. P. 4(b)(4). “Good cause [is] found where forces beyond the control of the appellant prevented h[im] from filing a timely notice of appeal.” *Nicholson v. City of Warren*, 467 F.3d 525, 526 (6th Cir. 2006) (citations omitted).

The time for Davis to file a notice of appeal of the Court’s denial of his motion for compassionate release expired on April 28. However, he has established good cause for failing to file a timely notice of appeal.

Accordingly,

IT IS ORDERED that Davis’ motion to extend time to appeal is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 29, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 29, 2025, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager